THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2595 OF 2007

DATED 20TH MARCH, 2007

BETWEEN

Kandagaddala Venkateswarlu

… Petitioner

And

The Sub Collector, Gudur, Nellore District and another.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2595 OF 2007

ORDER:

The land bearing plot No.7 in survey No.1620/4, admeasuring 7 ankanams (56 square yards) situated at East Gudur Village, Nellore District, was originally assigned to Sk.Jani Basha for market value and the petitioner purchased the same under registered sale deed, dated 30.09.1992 and he raised shop room and a residential house in the said plot. The second respondent initiated action under A.P.Land Encroachment Act, 1905 and issued notice, dated 11.12.2006, under Section 7 of the Land Encroachment Act, and the petitioner submitted explanation on 18.12.2006 along with the documents. However, the second respondent passed orders on 31.01.2007 ordering eviction of the petitioner. Aggrieved by the same, the petitioner preferred an Appeal under Section 10 of the Land Encroachment Act before the first respondent and also moved an application for interim stay. As no orders are passed, present writ petition is filed seeking a declaration that the action of the first respondent in not suspending the order of second respondent as illegal and arbitrary.

When the matter was called on 27.02.2007, learned counsel for the petitioners submits that as there is a title dispute, the petitioner is contemplating to approach the civil Court seeking declaration of title. Today, he submits that the suit is already filed on the file of the Court of the Junior Civil Judge, Gudur. Therefore, without expressing any opinion on the merits of the case, this Court observes that the first respondent may dispose of the Appeal itself within a period two weeks from the date of receipt of copy of this order after giving notice to the petitioner.

The writ petition is accordingly disposed of. No costs.

_____

(V.V.S.RAO,J)

20.03.2007.
pln